

ORDINANCE NO. 2022- 06

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH THE ERIE COUNTY BOARD OF COMMISSIONERS FOR THE ENFORCEMENT OF STORMWATER REGULATIONS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CASTALIA AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Castalia has previously adopted the storm water regulations as established by the Erie County Board of Commissioners, but is unable to enforce them due to not having the necessary personnel to do so; and

WHEREAS, the Erie County Board of Commissioners, through its Engineer, is willing to enforce its regulations within the corporate limits of the Village. Moreover, the Council has now found it necessary to authorize and direct the Mayor and Fiscal Officer to enter into a contract by and between the Village of Castalia, Ohio and the Erie County Board of Commissioners to provide enforcement of Erie County's storm water regulations within the Village; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:

Section 1. The Council declares that it is now necessary that the Mayor and the Fiscal Officer be, and hereby are, authorized and directed to enter into a contract by and between the Village of Castalia, Ohio and the Erie County Board of Commissioners for the provision of enforcement of storm water regulations within the corporate limits of the Village of Castalia, a copy of said contract is attached hereto as Exhibit "A" and is expressly incorporated by reference herein.

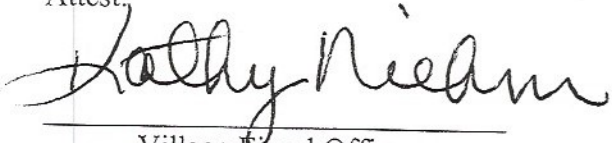
Section 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *section 121.22 of the Revised Code*.

Section 3. That the Council hereby declares this Ordinance to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the Village of Castalia. This emergency has arisen out of the need to obtain the services of the Erie County Engineer to enforce storm water regulations within the Village relative to the building of a new school facility in the Village. Therefore, this Ordinance shall be adopted as an emergency measure to take effect immediately upon its adoption and due authentication by the Mayor and the Fiscal Officer, respectively.



Mayor

Attest:

A handwritten signature in cursive script, appearing to read "Kathy Neenan". The signature is written in dark ink and is positioned above a horizontal line.

Village Fiscal Officer

Adopted: June 28, 2022

INTERGOVERNMENTAL AGREEMENT

20th This Intergovernmental Agreement ("Agreement") is made and entered this _____ day of *June*, 2022, ("Effective Date") by and between the **BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO** ("County"), a political subdivision organized and existing under the laws of the State of Ohio, and the **COUNCIL OF THE VILLAGE OF CASTALIA, OHIO** ("Village"), a charter municipality and political subdivision organized and existing under the laws of the State of Ohio.

RECITALS

- A. Pursuant to R.C. 9.482(B)(1), a political subdivision may enter into an agreement with another political subdivision for the contracting political subdivision to exercise any power, perform any function or render any service for the contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to exercise, perform or render.
- B. Pursuant to R.C. 302.21, a board of county commissioners may enter into an agreement with a legislative authority of any municipal corporation, and a legislative authority of any municipal corporation may enter into an agreement with a board of county commissioner, which a board of county commissioners undertakes, and is authorized by the contracting subdivision to exercise any power, perform any function or render any service, on behalf of the legislative authority, which such legislative authority may exercise, perform or render.
- C. Pursuant to R.C. 307.79(A), a board of county commissioners may adopt, amend, and rescind rules establishing technically feasible and economically reasonable standards to achieve a level of management and conservation practices for those portions of the county outside the limits of municipal corporations and the limits of townships with a limited home rule government.
- D. On September 11, 2014, County adopted rules establishing technically feasible and economically reasonable standards to achieve a level of management and conservation practices for those portions of Erie County outside the limits of municipal corporations and the limits of townships with a limited home rule government ("Stormwater Regulations").
- E. Section 100 of the Stormwater Regulations delegates authority to administer and enforce the regulations to the Erie County Engineer, and its duly authorized representatives, ("Engineer") and the Erie Soil and Water Conservation District, and its duly authorized representatives ("SWCD").
- F. Pursuant to Article XVIII, Section 3 of the Ohio Constitution, a municipality has the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.

- G. On May __, 2021, Village adopted the Stormwater Regulations for application within the corporate limits of the Village of Castalia.
- H. Village seeks to utilize the County, by and through the Engineer and SWCD, to administer and enforce the Stormwater Regulations within the corporate limits of the Village of Castalia.
- I. County, by and through the Engineer and SWCD, seeks to administer and enforce the Stormwater Regulations within the corporation limits of the Village of Castalia.
- J. Pursuant to R.C. 9.482 and R.C. 302.21, County and Village desire to enter into this Agreement to set forth the terms and conditions of the County's administration and enforcement of the Stormwater Regulations within the boundaries of the Village of Castalia.

AGREEMENT

NOW, THEREFORE, in consideration of the promises, terms, conditions, and considerations herein, the County and Village agree to the following:

1. County shall administer and enforce the Stormwater Regulations of the Village as applied within the corporation limits of the Village.
2. County's administration and enforcement of the Stormwater Regulations within the corporation limits of the Village shall be delegated to the Engineer and SWCD.
3. The fees for the administration and enforcement of the Stormwater Regulations within the Village are set forth in the Plan Review Schedule, which is attached as Exhibit A. The attached Plan Review Schedule contains the same fees as the Plan Review Schedule utilized by the County. Any modifications to the Plan Review Schedule for the County shall be applied to the Village immediately thereafter.
4. If County amends the Stormwater Regulations, Village shall adopt the amended Stormwater Regulations within thirty (30) days from the date the Village receives copies of any amendments. If Village fails to adopt the amended Stormwater Regulations within these thirty (30) days, then County shall not administer and enforce the Stormwater Regulations within the corporation limits of the Village until the amended Stormwater Regulations are adopted.
5. Either party may terminate this Agreement at any time and for any reason by providing written notice of its intention to terminate the Agreement to the other party at least ninety (90) days prior to termination. County shall be entitled to receive and retain all fees payable under this Agreement for services provided through the effective date of termination.
6. This Agreement shall be subject to and governed by the laws of the State of Ohio.

7. This Agreement constitutes the entire agreement of the parties with regard to the subject matter and is intended as a complete and exclusive statement of the promises, representation, negotiations, discussions and agreements of the parties. No modification or amendment of this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.

IN WITNESS WHEREOF, the Parties, intending to be legally bound thereby, have executed this Intergovernmental Agreement on the date indicated below under their respective signatures.

**BOARD OF COMMISSIONERS OF
ERIE COUNTY, OHIO**

By: _____

Date: _____

By: _____

Date: _____

By: _____

Date: _____

Approved as to form:

Jason R. Hinners
Assistant Erie County Prosecutor

